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February 7, 2025

Hon. Jesse M. Furman
United States District Judge
40 Foley Square
New York, NY 10007

Re: U.S. v. Jose Victor Pellot-Cardona
S14 16 Cr. 387 (JMF)

Dear Judge Furman:

I am defense counsel for Mr. Pellot-Cardona, who was sentenced on August 29, 2024, principally to a term of 200 months on the fourteen counts in his Information.

Mr. Pellot Cardona's judgment, entered August 30, 2024, contains the following language:

200 months on Counts 1-8, 10, and 14, and 120 months on Counts 9, 11-13, to be served concurrently — for a total of 200 months, to run from the date of the defendant's arrest in this case (May 2, 2017), notwithstanding his prior federal sentence of 69 months imposed on January 12, 2018, and to run concurrently with the sentence imposed on the state case in New Jersey.

(ECF No. 943).

The Bureau of Prisons has determined that, pursuant to 18 U.S.C. § 3583(a), it cannot give effect to Your Honor's stated intention to give Mr. Pellot Cardona credit for time in federal custody from May 2, 2017 (the date of his arrest on the instant SDNY indictment while he was in MDC Guaynabo in Puerto Rico) until April 17, 2021 (the end date of his 69 month term of imprisonment on his federal indictment in the District of Puerto Rico, 16 Cr. 331 (DRD)). As calculated by the Bureau of Prisons, Mr. Pellot Cardona gets "jail credit" only from April 18, 2021 until August 28, 2024. The Government has confirmed with the Bureau of Prisons Legal Department that it cannot effectuate Your Honor's sentence as the judgment is currently written because the prior

federal sentence was already fully discharged by the time sentence was imposed in this case, such that time credited to that sentence cannot be again credited to a second sentence.

To permit the Bureau of Prisons to implement the sentence that Your Honor imposed, the Government consents to the issuance of an amended judgment to deduct the time between 5/2/17 and 4/17/21 (47 months) from the description of Mr. Pellot's sentence, given that similar relief was granted to a co-defendant in this case. We respectfully request that the Court issue an amended judgment restating the sentence it imposed as follows:

153 months on Counts 1-8, 10, and 14, and 120 months on Counts 9, 11-13, to be served concurrently — for a total of 153 months, to run from April 17, 2021 (the date the defendant's prior federal sentence expired) with no credit for any time served prior to that date, and to run concurrently with the sentence imposed on the state case in New Jersey.

Thank you for your courtesy and attention to this matter.

Sincerely,


/s/ 

Donald Yanniella, Esq.

Application GRANTED. The Court will enter an Amended Judgment consistent with the above.

The Clerk of Court is directed to terminate ECF No. 950.

SO ORDERED



February 7, 2025